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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 ROBERT JONES,

4 Plaintiff,

5 v.

14 Civ. 6402 (KPF)

6 JAMES MEEHAN, et al.,

7 Defendants.

Telephone Conference

8 -----x

New York, N.Y.

9 June 29, 2016

2:32 p.m.

10 Before:

11 HON. KATHERINE POLK FAILLA,

12 District Judge

13 APPEARANCES
14 (Via Telephone)

15 ROBERT JONES
16 Pro Se Plaintiff

17 NEW YORK CITY LAW DEPARTMENT
18 OFFICE OF THE CORPORATION COUNSEL
19 For Defendants

20 BY: MARIA FERNANDA DECASTRO, ESQ., ACC
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(In chambers)

THE COURT: All right. Good afternoon. This is Judge Failla and I am calling the case of Jones v. Bloomberg, et al. Mr. Jones, are you on the line, sir?

MR. JONES: Yes, I am, Judge.

THE COURT: Good afternoon to you, sir.

MR. JONES: Good afternoon, your Honor.

THE COURT: And Ms. Decastro, are you on the line as well?

MS. DECASTRO: Yes, I am, your Honor.

THE COURT: Okay. And is there anyone else on the line of which the parties are aware?

MR. JONES: No, no, I'm not aware.

MS. DECASTRO: No one on defendant's side.

THE COURT: Okay. Thank you for letting me know that as well.

We have in theory a call scheduled or a conference scheduled for tomorrow, the 30th of June, but in light of letters that I've received from the parties, I decided to advance it one day and so there will be no call tomorrow. We'll deal with some of these issues today.

Mr. Jones, I'm wondering, sir, if you can help me with something. I received a document from you and it was docketed by our pro se office last week. But it's dated May 30th, and it seems to contain references to a notice of demand. And so

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1 I'd like to understand, sir, what it is you're demanding and
2 what it is you believe you have not been given in this
3 litigation.

4 MR. JONES: The notice of demand for remedy is based
5 on the United States Second Circuit ruling for February 1,
6 2016, where a three-judge panel had voted that the police must
7 have a search warrant before they can enter the suspect -- or
8 enter the home of someone that they believe to be a suspect,
9 and in this case that wasn't done. There was no search warrant
10 after being arrested and detained, there was never any arrest
11 warrant issued for the arrest, and it violated the Fourth
12 Amendment. And I pointed towards those cases in that demand
13 for remedy hoping that the People would see -- hoping that the
14 People would see what was being said because of the fact that I
15 was detained for 22 months after the arrest, the case was
16 resolved in favor, and the disposition that returned to me --
17 the case was closed, and as a result, it created the matter of
18 Jones v. Bloomberg.

19 THE COURT: All right. Sir, let me talk to you a
20 little bit about that. I think you're talking about the Allen
21 decision from earlier this year. That was a criminal case, and
22 did it not arise in the context of a suppression motion?

23 MR. JONES: It was, yes, it was in a criminal case,
24 and what had happened is that Allen was arrested in a home, and
25 after or during the course of being questioned for a crime that

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1 he was alleged to have committed, he was arrested in his house,
2 and as a result from that, the case was prosecuted. The
3 individual, Allen, was able to appeal, and his case went before
4 the circuit court, and they ruled that there was a Fourth
5 Amendment violation. He also cited *Payton v. New York* and
6 *United States v. Reed* in his argument, and it was posted in the
7 New York Law Journal prior to February 1st.

8 THE COURT: Okay. Sir, let me explain to you where I
9 think you and Ms. Decastro are on two ships passing in the
10 night. What you're talking about, sir, are the legal bases for
11 your claim of a Fourth Amendment violation. You have brought
12 this case because you believe that your Fourth Amendment rights
13 were violated, and you are citing to us this *Allen* decision as
14 further support for the legal basis for your claim. Is that
15 correct, sir?

16 MR. JONES: That's correct, your Honor.

17 THE COURT: Okay. And I think separately your
18 reasoning from this *Allen* case is that perhaps one of the
19 things you should be receiving in discovery would be the search
20 warrant or arrest warrant in this case if there happens to be
21 any. Is that also correct, sir?

22 MR. JONES: Yes, that's also correct.

23 THE COURT: Okay. I understand that. The problem is,
24 the way this particular submission came in, it suggested that
25 you weren't going to do anything, you weren't going to

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1 reciprocate and provide any discovery to the other side until
2 certain things happened. So what I want to do in this call is
3 to understand what discovery has been produced, what discovery
4 hasn't been produced, and how to make sure that both parties
5 are producing what they're supposed to.

6 Sir, let me talk for a moment to Ms. Decastro.

7 Ms. Decastro, you'll excuse me if I don't know the
8 details of the underlying case in this regard. Was there a
9 search warrant or an arrest warrant ever prepared as to
10 Mr. Jones?

11 MS. DECASTRO: Yes, your Honor. My understanding is
12 that there was no arrest warrant but there was a search
13 warrant, and Mr. Jones was -- we provided a copy of that search
14 warrant affidavit to Mr. Jones in our disclosures in this
15 matter.

16 THE COURT: So is it the case that the execution of
17 the search warrant, it is argued -- I won't make a finding one
18 way or the other -- gave the officers probable cause to
19 thereafter arrest Mr. Jones at that place?

20 MS. DECASTRO: No, your Honor. So my understanding of
21 the situation is Mr. Jones was a parolee at the time. He was
22 living at a halfway house. He was arrested at that location,
23 and then afterwards there was a search warrant that was
24 executed at that location to recover numerous stolen items.
25 But at the time that he was arrested there had already been --

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1 there was video of Mr. Jones committing -- in and around the
2 location where these burglaries had been committed and other
3 evidence that supported that he was the one who had committed
4 these burglaries.

5 THE COURT: I see. So was there an arrest warrant for
6 him or was he arrested as a result of probable cause found some
7 other way?

8 MS. DECASTRO: Yes, exactly. Not an arrest warrant
9 but just arrested on probable cause grounds.

10 THE COURT: And thereafter, there was a search warrant
11 that was applied for and received?

12 MS. DECASTRO: Yes, the next day.

13 THE COURT: I understand that. Okay.

14 So Mr. Jones, obviously, sir, all cases are different
15 and I'm not going to be making any final decisions on the legal
16 issues in this telephone call, but it sounds like there is a
17 search warrant that was sought and Ms. Decastro has it and
18 either has produced it or will produce it to you, and on the
19 issue of the arrest warrant, your arrest seems to have taken
20 place in circumstances different from those described in the
21 *Allen* decision, so I won't make a final determination in this
22 call, but it may be that there was no need for a written arrest
23 warrant prior to your arrest. It may be that officers had
24 probable cause to arrest you and thereafter to prepare the
25 paperwork. My concern, Mr. Jones, is, I want to make sure that

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1 you're not holding back on any discovery in the case or you're
2 not refusing to produce discovery in the case, because I'll
3 make sure in this call that everybody knows what he or she has
4 to produce and that they thereafter produce it. All right,
5 Mr. Jones?

6 MR. JONES: Yes. Well, your Honor, if I may, firstly,
7 I'd like to address our previous telephone conference.

8 THE COURT: Yes, sir.

9 MR. JONES: Yes. Our previous telephone conference.
10 I was under the impression that the People were supposed to
11 turn over a copy of my 1983 and that this Court was supposed to
12 provide me with a transcript of those -- of the previous
13 proceedings, which I never received.

14 Secondly, looking here through my paperwork, I do see
15 the search warrant -- I mean, the -- yeah, the search warrant,
16 and the search warrant is dated on the 26th of January. I
17 was arrested the 27th at 3:00 in the morning. The search
18 warrant wasn't actually due to be enforced until 9 -- 6 in the
19 morning -- from 6 to 9 in the morning. So I'm wondering how
20 the police were able to come to my house, come to my bedroom,
21 forcibly remove me from my house, handcuff me, put me in a
22 police car, take me to another -- to another borough and then
23 hold me in detention for 16 hours while putting me through
24 numerous lineups, while denying me a right to an attorney and
25 not giving me my *Miranda* until after they had established that

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1 there was something found in the house that may have been the
2 fruits of a crime. So -- and it says here, according to the
3 search warrant that was issued by Judge Armstrong, that the
4 district attorney, Lorraine Perry, wrote that the respondent is
5 further informed by information that the occurrence -- excuse
6 me. Okay. That the respondent believes that the property in
7 the above location has -- went to the target premises on
8 January 25th, observed defendant sitting on a lower bunk
9 inside of the home, using what could not be actually
10 substantiated as the item that was stolen. The issue that the
11 police were in the house, on the premises without the search
12 warrant, did this observation, and then took from that
13 observation in order to develop their case, show that this may
14 have been prior to the search warrant being issued, because
15 this is the premises on the 25th and Detective -- what is his
16 name? I have it here. Detective in this case, Meehan, James
17 Meehan, is reported to have used this tracking device to locate
18 a GPS signal and then entered the home based upon that and did
19 all of this police work without my knowledge and then issued --
20 and then came and arrested me in my home without an arrest
21 warrant in order to execute and to fulfill the search warrant,
22 because while I was at the precinct, then they executed and
23 they enforced the search warrant. So that was -- and this is
24 primarily my position.

25 As for the interrogatories, on May 31st, I did

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1 effectively serve on the defendants a copy of their first
2 interrogatories, along with various exhibits. Most recently I
3 received a copy from the mail, from U.S. Postal Service saying
4 that the document in question, which was the interrogatory, was
5 actually mailed and it was found, and this is what it says on
6 the certified mail, return receipt, found in supposedly empty
7 equipment at Rye, New York, and I don't know how the document
8 went in that direction when they were certified, and they were
9 supposed to go to Zachary Carter for the corporation counsel.
10 So, you know, that raised some eyebrows. So what I did, I put
11 a second copy in the mail and I sent it to your chambers and I
12 am also providing defendants with another copy of the
13 interrogatories and my answers to those interrogatories, along
14 with cover letter and the exhibits that are contained therein.

15 THE COURT: Okay. Let me stop you for a moment,
16 Mr. Jones.

17 First of all, I appreciate the clarification that you
18 gave me about why the evidence or the discovery that you have
19 received thus far has caused you to ask some questions rather
20 than have questions answered. Again, on the issue of the legal
21 theories involved in this case, at some point I will be making
22 determinations on the law. For now I'm trying to ensure that
23 the parties have the documents that they need. So what I'll do
24 is, based on what you've just now said to me, let me talk to
25 Ms. Decastro and ask her to help me understand the sequence of

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1 events that begins with a visit on the 25th, a search warrant
2 on the 26th of January, and an arrest on the 27th of January.

3 MR. JONES: Yes, okay.

4 THE COURT: Okay. So Ms. Decastro, may I hear from
5 you.

6 MS. DECASTRO: Yes, your Honor. If I could just have
7 one second. My Adobe where I downloaded all the documents is a
8 little -- I'm sorry.

9 THE COURT: No, of course. That's fine.

10 While you're getting them, Mr. Jones, I'll tell you,
11 we sent to you a copy of your 1983 complaint. Did you receive
12 a copy of it?

13 MR. JONES: I did not receive that, Judge.

14 THE COURT: We will --

15 MR. JONES: I did not receive it at any time.

16 THE COURT: All right. We sent you, I think, a letter
17 with a pamphlet on discovery. Did you not receive that?

18 MR. JONES: That I did receive.

19 THE COURT: My understanding was that the complaint
20 was in that envelope. Was it not there, sir?

21 MR. JONES: No, it wasn't, your Honor, no.

22 THE COURT: All right. We will resend it.

23 Secondly, Ms. Decastro, did you send the transcript of
24 our last conference to Mr. Jones?

25 MS. DECASTRO: The transcript -- the conference

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1 regarding the affirmative defenses? I did.

2 THE COURT: Okay.

3 MS. DECASTRO: Let me just verify.

4 THE COURT: What we'll do at this end is, as we're
5 sending another copy of the complaint, we'll send whatever
6 transcript we have access to. Anything that's on the docket,
7 we'll print out and send with the complaint to Mr. Jones.
8 Ms. Decastro, we will not have an enclosure letter, but you'll
9 just know that that's what we've sent on to him.

10 MS. DECASTRO: Sure.

11 THE COURT: Okay. Thank you.

12 And Mr. Jones, do you understand what I've just said?

13 MR. JONES: Yes, ma'am, I do.

14 THE COURT: Okay. Fine. All right. And
15 Ms. Decastro, whenever your Adobe is working, we'll hear from
16 you.

17 MS. DECASTRO: Yes. Thank you. Sorry. One second.

18 I'm sorry, your Honor. This is giving me a little bit
19 of trouble, but from my timeline, not from the documents, the
20 officers did encounter Robert Jones in his apartment on the
21 25th and then the search warrant was received on the 26th.

22 THE COURT: Bow how did they come to encounter him?
23 Did they do a knock and talk? Did they try and speak with him
24 in his apartment? Did they try to obtain consent to search the
25 apartment? Was there something else that was done?

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1 MS. DECASTRO: Yes, your Honor. So this is from my
2 notes from the representation interviews. The place that he
3 was living at at the time was a halfway house, after he was on
4 parole, and the officers went there, and they were given
5 consent from the person who runs the place to go up to see
6 Mr. Jones in his -- it's a shared room with a bunch of people
7 in it. The way that they got there was through GPS tracking of
8 one of the computers that was stolen.

9 THE COURT: I see. So there was not some GPS tracking
10 device that was slapped onto Mr. Jones or a part of his
11 residence at the halfway house. They were actually able to
12 locate the computer that had been stolen by its tracking
13 device.

14 MS. DECASTRO: Right. To that general area. And
15 also, there had been wanted posters for Mr. Jones around the
16 various precincts saying, we're looking for this person for
17 this pattern of burglaries, and my understanding is that he had
18 also been spotted in the area by two police patrol, police
19 officers.

20 THE COURT: Okay. But to clarify what Mr. Jones was
21 saying to me earlier, you're saying that there was in fact no
22 search warrant for the encounter with Mr. Jones on the 25th,
23 correct?

24 MS. DECASTRO: Correct, your Honor. Yes.

25 THE COURT: Okay. And there was thereafter an arrest

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1 on the 25th.

2 MS. DECASTRO: The 25th, I believe so, yes. I don't
3 have the -- I'm sorry. My Adobe is not working so I can't pull
4 up the actual arrest paperwork, but --

5 THE COURT: Okay.

6 MS. DECASTRO: And his house was not -- or the place
7 that he was living was not searched until after the warrant was
8 executed, after the warrant was signed.

9 THE COURT: After the search warrant was signed.

10 MS. DECASTRO: Yes.

11 THE COURT: But what you're saying is that there was
12 at least some observation of the place in which he was residing
13 because of their prior visit to the halfway house and the
14 consent, valid or not -- I will not say -- to go and visit him
15 in the shared dormitory area.

16 MS. DECASTRO: Yes, your Honor.

17 THE COURT: I understand that. All right.

18 Ms. Decastro, Mr. Jones just told me that he tried to send you
19 responses to the interrogatories, had less success, and then
20 resent them. Do you now have a copy of his answers?

21 MS. DECASTRO: I do not. The only thing I've gotten
22 from Mr. Jones is the releases themselves but no answers to the
23 interrogatories.

24 THE COURT: Okay. And what have you, Ms. Decastro,
25 sent to Mr. Jones in response to any document production

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1 requests or any of our prior discussions on discovery?

2 MS. DECASTRO: On discovery, I've sent Mr. Jones the
3 DA files, which contain the arrest paperwork and other
4 DA-related paperwork. With regard to the releases, I actually
5 have not received any records back from those releases. They
6 were recently executed and recently sent out, so I don't have
7 anything. But as soon as I get that back, I will actually send
8 it to Mr. Jones.

9 THE COURT: Okay. And anything else sent to him?

10 MS. DECASTRO: That's all.

11 THE COURT: Okay. And is it your position that there
12 are no further relevant documents to send to him?

13 MS. DECASTRO: Well, the rap sheet that we would
14 receive from the Criminal Justice Administration would be
15 relevant and the medical records which are from Bellevue
16 Hospital would be relevant, but besides that, I can't think of
17 anything else that we would use to support our defenses.

18 THE COURT: I understand. Let's talk about supporting
19 his claims and not merely your defenses.

20 MS. DECASTRO: Right.

21 THE COURT: Are there additional documents that you
22 have that would speak to the issue of his encounters with law
23 enforcement that are not contained in the DA file?

24 MS. DECASTRO: I can cross-check the NYPD documents
25 that I have and make sure that he has everything.

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1 THE COURT: All right. Would memo book entries from
2 the police officers be produced in the DA's file?

3 MS. DECASTRO: I believe that they would be. Again,
4 it's not my -- my Adobe is not working right now, but I will
5 make sure that he has the memo books for the named officers.

6 THE COURT: Mr. Jones, do you understand what I've
7 just been discussing with Ms. Decastro?

8 MR. JONES: Yes, I have, Judge.

9 THE COURT: So I've been trying to ensure that
10 anything that she has that documents or evidences or talks
11 about the encounters that you had with the police department in
12 late January are produced to you and you've heard her say, and
13 I've heard her say as well, that there are some more materials
14 that will be coming to you that would include perhaps the rap
15 sheet, but they are also likely to include any documents that
16 she received in response to the authorizations that she has
17 filed with various providers of medical services. So you can
18 expect to get some more things from her. Do you understand
19 that, sir?

20 MR. JONES: Yes. Yes, I do, Judge.

21 THE COURT: All right. Mr. Jones, is there anything
22 else that you think you should be getting that you have not
23 received from the defense?

24 MR. JONES: The -- no, that is fine, Judge, because
25 it's ironic that I just received the letter basing that we were

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1 going to have this conference just today and I had just gone to
2 the mailroom in the institution to pick it up and it was
3 verifying that this conference was scheduled for today, so I
4 really didn't have a lot of time to prepare. I just happened
5 to have had a few things with me that I was going to take with
6 me to the law library to do some research and that's why I was
7 able to bring forth those issues.

8 THE COURT: All right. Well, Mr. Jones, let me then
9 speak to you on this issue. I mean, the reason for this call
10 is because your adversary, the defendants in this case,
11 believed that you really weren't doing enough in terms of
12 producing discovery yourself, so I feel comfortable that I've
13 discussed with Ms. Decastro what should be produced to you and
14 the timetable for that production. I understand that you have
15 now said to me that you had concerns about your complaint and
16 not receiving it and transcripts and not receiving those, and
17 we will send them to you. We'll gather them later today and
18 send them and hope that they get to you soon. I guess the
19 issue is, could you please resend to Ms. Decastro the answers
20 to their interrogatories, because I know you've sent it twice,
21 but for reasons known best to the Postal Service and your
22 prison facility, she doesn't have them, and I believe that she
23 doesn't have them. So can you resend them?

24 MR. JONES: Yes, yes, I certainly will, your Honor.

25 THE COURT: Okay. And Mr. Jones, do you have

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1 documents in your possession that you intend to use to prove
2 your claims?

3 MR. JONES: Yes, I have various documents, medical
4 records, disclaimers, I got the properties that was missing
5 that was from my personal property, medical records,
6 educational records, photos, my mother's eulogy was within
7 those documents, in that property, and once it was confiscated
8 by the police, I never retrieved those. Those documents --
9 documents were never recovered. Although I sought to recover
10 them from the district attorney's office, there were a lot of
11 things that were missing, and I was informed that I would have
12 to seek some sort of claim form in order to recover these
13 things, and these documents, medical records, were medical
14 records that were made back in the 1980s -- 1996 up until the
15 present that I -- because I had a medical condition and I was
16 under mental healthcare at the time, and the whole thing was
17 traumatic for me, and after 20 -- 22 months of detention, the
18 case was virtually administratively abandoned or it was not
19 prosecuted and it resulted in a 3030 being filed by my
20 attorney, which was granted by the judge, resulting in this
21 action that's before the Court.

22 THE COURT: All right. So Mr. Jones, right now in
23 your possession do you have documents that you intend to use to
24 prove your claims at a trial in this case?

25 MR. JONES: Other than -- no, actually, the documents

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1 that I have are medical. I was relying on the defendants to
2 provide certain documents that they can access, such as sealed
3 records documents and various other police procedures that were
4 not enforced, which I was relying on in order to try to
5 substantiate my claims, the Fourth Amendment violation, various
6 other things. My 1983 would help me assess exactly what I
7 asked for -- what I could ask for, so that would be a major aid
8 to my trying to sort out any miscommunication that we may have
9 incurred over the last six months or so.

10 THE COURT: All right. But Mr. Jones, let me ask you
11 this: I last spoke with the parties in or about February or
12 March about these issues. What have you done to request
13 materials from the defendants during this period of time?

14 MR. JONES: Well, I've made numerous requests I filed
15 with the People, with the defendant, a demand for remedy, as
16 I've spoken about --

17 THE COURT: Sir, no. Let me stop you there right now.
18 The demand for remedy, I don't know what that is, sir, and I
19 actually looked this up to see if I could find something. What
20 is it that you seek in this demand for remedy? And more
21 specifically, what documents or evidence do you seek with this
22 demand for remedy?

23 MR. JONES: Well, in light of the ruling from the
24 circuit court, I was basing my -- the demand for remedy with
25 other such documents on the fact that if the higher court has

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1 made a ruling and that this ruling affected my case, that I
2 would be entitled to some verification that there may be some
3 relief in my case. I alleged in those documents that according
4 to *United States v. Reed*, that when they came to the home, they
5 did not open the door, as far as the knock. Also that a
6 third-party resident, that a warrant should also reflect the
7 name and/or person that are occupying the dwelling in order for
8 it to be respectively enforced. And I want those issues
9 brought out and hoping that the People would see that yes,
10 there was -- there may be an issue that gets resolved between
11 the parties without the Court having to mediate these things,
12 but I got no -- this has gone to -- I noticed a default under
13 Federal Rules of Civil Procedure 55(a) stating that because
14 certain documents weren't provided to me in an adequate time in
15 order to -- in order to establish my defense, that the People
16 were under default.

17 THE COURT: All right. Mr. Jones, I need to stop you
18 again, and I want you to listen very carefully to all I'm about
19 to say to you, sir.

20 First of all, I have to tell you that your submission,
21 this notice of demand for remedy, is extremely difficult to
22 understand, and it is only through talking with you in this
23 conference that I am able to understand it, and I've had law
24 school and I've had legal training for a long period of time,
25 so I think you're asking an awful lot to expect anyone to read

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1 this and understand what you are saying. To the extent that
2 this demand for remedy is a way of explaining further to the
3 defendants in this case why you believe that your rights have
4 been violated, that's fine. They now understand that. But
5 we're at the period right now where we're trying to get
6 documents produced. I don't think it is fair for you to have
7 expected that by serving this demand for remedy on them that
8 they would have simply rolled over, given you money, and gone
9 no further in this case. You needed to explain to them what
10 documents you wanted and what you wanted as a result of this
11 and you did not do that very clearly, sir. The demand for
12 remedy, I am accepting it and I am construing it as additional
13 clarification of the bases for the allegations made in your
14 complaint. This is the legal bases on which you are making
15 claims based on the factual allegations that you have asserted.
16 But again, sir, nowhere in there do I see a document request or
17 interrogatory request in this document, and I certainly don't
18 see you producing anything to them.

19 With respect to your default, your notice of default,
20 I reject that entirely, sir. I sent you the complaint in this
21 case. Your adversary sent you the transcript in this case. It
22 is very unfortunate that the mail at your prison facility has
23 not permitted you to get these documents, but I'm not going to
24 find default. First of all, I'm not going to find default for
25 the defendants based on the conduct of me, and second of all,

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1 I'm not going to find default where both myself and the
2 defendants attempted to send you the very things that you are
3 complaining about.

4 So where we are now, sir, is, if there are materials
5 with you in your cell that go to these claims, you have to
6 produce copies of them to the defense. If you don't, that is
7 your call, but it means you're not going to be able to use
8 those documents at any trial in this case. Do you understand
9 what I'm saying, sir?

10 MR. JONES: Yes, I do, your Honor.

11 THE COURT: All right. Secondly, you should have
12 actually engaged in discovery rather than engaging in the
13 letters and submissions that you did make, but we'll try and
14 remedy that now.

15 My chambers, in the next day, the next 24 hours, will
16 send the 1983 complaint and the transcript. You have heard me
17 in this conversation talk with Ms. Decastro about the materials
18 that she has sent. If there are other things that you're
19 seeking, you have to let them know right away what they are,
20 but it seems to me that they've produced everything that bears
21 on the allegations in your complaint.

22 I don't know about the issue of sealed records, and
23 I'm going to turn to Ms. Decastro on that right now.

24 Ms. Decastro, do you know what Mr. Jones is speaking
25 about when he is speaking about sealed records that you might

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1 have access to that he does not?

2 MS. DECASTRO: I'm not sure, your Honor. The only
3 thing that I could think that would be sealed would be the
4 grand jury minutes, which we do not have access to. We would
5 have to get those unsealed in state court, which is not
6 typically something that we do. And I really can't think of
7 anything else. He has the search warrant affidavit. I don't
8 know what else could be sealed in this matter. The name of the
9 complainant in the burglary has been redacted, so I don't know
10 if that's what plaintiff is referring to.

11 THE COURT: Well, I'll ask.

12 Mr. Jones, what sealed materials do you need that you
13 don't have?

14 MR. JONES: Well, they pertain to police misconduct in
15 the past, whether the arresting officers had engaged in such
16 behavior such as falsifying evidence or making illegal arrests
17 and that sort of thing. These documents, I believe I had to go
18 through the defendants' counsel in order to get to them because
19 they substantiate or they show consistency in the allegations
20 that are made against them that some officers from the NYPD
21 have a propensity of engaging in these acts while violating
22 people's rights to be secure in their home without unreasonable
23 intrusion.

24 THE COURT: All right. Let me stop you for a moment.

25 Ms. Decastro, with respect to the officers who are

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1 named as defendants in this case, are there substantiated CCRB
2 complaints regarding any of these officers?

3 MS. DECASTRO: Yes, your Honor. Let me check.

4 THE COURT: Because I think that's what Mr. Jones is
5 asking for. If there were, for example, civil lawsuits against
6 them in which they were found to be liable for the conduct
7 similar to the conduct alleged by Mr. Jones, if there are
8 substantiated CCRB complaints regarding these individuals that
9 pertain to or that are similar to the conduct alleged by
10 Mr. Jones or that speak to the issue of their veracity --
11 Mr. Jones, that's what you're thinking about, correct, sir?

12 MR. JONES: Yes, your Honor, that is. And also, in
13 order to -- to aid me in the process of documents, which, you
14 know, I don't have a lot of materials here and the law library
15 that we have is really not very equipped, and they don't give
16 us access to various things, I'm under the impression that
17 the -- that this Court provides defendants with a pro se book
18 or booklet, the yellow book -- I don't know how to describe
19 it -- that lays out motions and things that will be necessary
20 or that could help a pro se litigant in the prosecution of the
21 case.

22 THE COURT: I'll speak to that as Ms. Decastro is
23 getting her notes together. There was a pro se manual that was
24 discontinued, so I believe it to be out of date. There are
25 individual pamphlets, one on discovery and there's one that is

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1 coming out on motions, and so I can send you the discovery one
2 again. We have sent it to you previously, sir. And the
3 motions pamphlet is almost ready to be released, and I will
4 speak with the person who is preparing it, and if it is ready
5 to be released, I will include that as well.

6 MR. JONES: Okay. Thank you, your Honor.

7 THE COURT: All right. Ms. Decastro, any insight to
8 the last question I left with you?

9 MS. DECASTRO: Yes, your Honor. So this is with the
10 caveat that when I got the CCRB report, it was February 24th
11 of 2016. I just want the Court to be aware of that. I can
12 only see one instance that's similar that was substantiated for
13 one of the officers.

14 THE COURT: I'm going to ask you to produce that
15 instance then.

16 MS. DECASTRO: Would you like me to ask CCRB for new
17 reports just to confirm that there was nothing else?

18 THE COURT: Yes, please.

19 MS. DECASTRO: Okay. And then if I get the reports
20 back and there is substantiated for a similar instance, I will
21 produce that instance to plaintiff.

22 THE COURT: All right. Thank you very much.

23 All right. So Mr. Jones, we have a plan for the
24 production of the material you seek regarding the misconduct by
25 the officers who are named as defendants in your case. We have

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1 as well materials that I can give you that are prepared by our
2 pro se office, and I know the pro se manual has been
3 discontinued, but if I can find a copy of it and it appears not
4 to be outdated, then I will send you a copy of that as well.

5 Mr. Jones, what else do you need?

6 MR. JONES: I think that -- I think, with -- I think
7 what I have would be -- or what I'm expecting to get will be
8 appropriate for me to go further and to, at length, bring about
9 some clarity as to my position as to the case at large.

10 THE COURT: Okay. And sir, you have materials that
11 you wish to produce to the defendants, is that not correct?

12 MR. JONES: Yes. Medical records that I have that I
13 accumulated from the institution that indicates what my medical
14 status was at the time of arrest. I have those and I'll make
15 those available immediately and --

16 THE COURT: And also the interrogatory responses, sir?

17 MR. JONES: Yes, definitely the interrogatory
18 responses. I have that. I have that with me, and I'll be able
19 to give the defendants a copy of that.

20 THE COURT: Okay. And Ms. Decastro, what else is it
21 that you're expecting from Mr. Jones before there can be
22 depositions in this case?

23 MS. DECASTRO: Well, once we get responses to the
24 interrogatories, we sent out the releases, like I said, that
25 were sent back by Mr. Jones, so we would like to have those

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1 records before we take the deposition. But obviously I know
2 that I don't want to prolong the case any further. The
3 defendants are interested in settling, or coming to finality of
4 this matter.

5 THE COURT: Whether that's for settlement or motion
6 practice, we'll leave for another day. It's my belief that by
7 July 29th, the end of July, I can have some confidence that
8 all documents have been exchanged between the parties. So let
9 us expect that we're going to have a telephone conference the
10 following week, and in that conference we'll talk about the
11 scheduling of depositions. Mr. Jones, does that make sense to
12 you, sir?

13 MR. JONES: Yes, it does, your Honor.

14 THE COURT: Okay. And Ms. Decastro, does that make
15 sense to you?

16 MS. DECASTRO: Yes, your Honor. Could I just have a
17 little bit of clarification with regard to the substantiated
18 CCRB cases.

19 THE COURT: Yes.

20 MS. DECASTRO: Is it possible for defendant to produce
21 the closing reports for those cases?

22 THE COURT: Let me suggest this. Why don't you send
23 to me *in camera* the entirety of the report, the entirety of the
24 materials on the particular substantiated incident, and I will
25 tell you what to produce to Mr. Jones.

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1 MS. DECASTRO: Okay. Perfect. Thank you, your Honor.

2 THE COURT: And Mr. Jones, just so you understand what
3 that means, she's going to send me probably more than you need
4 to see and I'll tell her how much of that has to be produced to
5 you, because some of these reports contain personal
6 identification information of individuals and other materials
7 that aren't relevant and that are sensitive, so I'll look at
8 them and I'll tell her what to send to you. Do you understand
9 that, sir?

10 MR. JONES: Yes, I do, Judge.

11 THE COURT: Okay. And Ms. Decastro, is there anything
12 else that we should be talking about today?

13 MS. DECASTRO: That's it as far as defendants, your
14 Honor.

15 THE COURT: Okay. I'm going to ask you, Ms. Decastro,
16 to obtain a copy of this transcript and, when you get it, to
17 please send a copy to Mr. Jones, and hopefully the mail will
18 work better this time around.

19 MS. DECASTRO: Yes, your Honor. I'll also file, put
20 something up on the docket on that.

21 THE COURT: Thank you very much.

22 Mr. Jones, is that it for today, sir?

23 MR. JONES: Yes. Your Honor, is it possible that I
24 can get the transcript from the previous telephone conference?
25 Because that may help me as well, because I don't really

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1 remember what took place back in February.

2 THE COURT: Yes. My staff in chambers will get you
3 your complaint and whatever transcript we can get from the
4 system.

5 MR. JONES: Oh, okay. Okay.

6 THE COURT: Except for this one that hasn't yet been
7 prepared.

8 MR. JONES: Okay. Okay.

9 THE COURT: All right. Mr. Jones, is that it for
10 today, sir?

11 MR. JONES: Yes, ma'am. I appreciate your help, your
12 Honor.

13 THE COURT: All right. Thank you.

14 And Ms. Decastro, is that it for today?

15 MS. DECASTRO: Yes, your Honor. Thank you.

16 THE COURT: I thank you both for participating in the
17 call. Thank you.

18 MS. DECASTRO: Thank you.

19 MR. JONES: Thank you.

20 (Adjourned)